

Board of Adjustment

Minutes

City Council Chambers, Lower Level December 3, 2014

Board Members Present:

Trent Montague – Chair
Mark Freeman
Wade Swanson
Tony Siebers
Ken Rembold
Greg Hitchens

Board Members Absent:

Tyler Stradling (excused)

Staff Present:

Gordon Sheffield
Angelica Guevara
Wahid Alam
Margaret Robertson
Charlotte McDermott
Kim Steadman
Kaelee Wilson
Mike Gildenstern

Others Present:

Susan Demitt
Patrick Hodgkins
Jerry Tokopf
Todd Sergi
D.J. Stapley
Richard Dyer

The study session began at 4:32 p.m. The Public Hearing meeting began at 5:38 p.m. Before adjournment at 6:31 p.m., the following items were considered and recorded.

Study Session began at 4:32 p.m.

- A. Zoning Administrator's Report
- B. The items scheduled for the Board's Public Hearing were discussed.

Study Session adjourned at 5:32 p.m.**Public Hearing began at 5:38 p.m.**

- A. Consider Minutes from the November 5, 2014 Meeting -A motion was made by Boardmember Freeman and seconded by Boardmember Siebers to approve the minutes. Vote: Passed 6-0 (Excused-Boardmember Stradling)
- B. Consent Agenda -A motion to approve the consent agenda as read was made by Boardmember Swanson and seconded by Boardmember Rembold. Vote: Passed 6-0 (Excused-Boardmember Stradling)

**Board of Adjustment Meeting
December 3, 2014**

Case No.: BA14-054

Location: 2015 South Alma School Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow a reduction of the landscape setback in the LC zoning district. (PLN2014-00454)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Swanson seconded by Boardmember Rembold to approve case BA14-054 with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of a Design Review for modifications to the building elevations and landscape plan.*
3. *Compliance with all requirements of Development Services in the issuance of building permits.*
4. *Compliance with all requirements and stipulations of approval of Design Review, DR14-032.*
5. *The wireless communications facility shall be fully screened from view with the design and materials of the proposed tower element of the building.*

FINDINGS:

1. The proposed site plan modification and improvements require conformance with current development standards.
2. The building on the proposed site has remained vacant and underutilized for more than a year.
3. The proposed site plan change meets all of the current code requirements with the exception of the required 15' landscape setbacks adjacent to Alma School and Baseline Roads. The existing landscape area adjacent to these arterials shall remain. No modification or reduction of the existing landscape area is proposed.
4. The applicant is providing landscape material to be installed adjacent to Alma School and Baseline Roads.
5. The foundation base landscape exceeds the requirements of the zoning ordinance.
6. The degree of improvement being sought by the applicant is proportionate to the degree of non-conforming development standards requested through the proposed SCIP.
7. The proposed improvements with the recommended conditions of the SCIP approval will bring the site into conformance with the intent of the current development standards.
8. The proposed use will not be detrimental to surrounding properties.

Vote: Passed (6-0) (Excused-Boardmember Stradling)

**Board of Adjustment Meeting
December 3, 2014**

- Case No.:** BA14-056
- Location:** 808 South Alma School Road
- Subject:** Requesting: 1) a Special Use Permit to allow automobile/vehicle washing; and 2) Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing commercial use; both in the LC zoning district. (PLN2014-00528)
- Decision:** Approved with Conditions
- Summary:** This item was on the consent agenda and was not discussed on an individual basis.
- Motion:** It was moved by Boardmember Swanson seconded by Boardmember Rembold to approve case BA14-056 with the following conditions:
1. *Compliance with the project narrative, revised site plan, landscape plan and elevations submitted dated November 17, 2014 except as modified by the following conditions.*
 2. *Compliance with all City development codes and regulations.*
 3. *Remove both existing metal canopies from front setback along Alma School and side setback along 8th Avenue.*
 4. *Provide 8' wide median landscape island with trees, shrubs and ground cover along south and west of the site separating the facility from the shopping center.*
 5. *Provide raised landscape island in the front of the building separating oil service entry traffic from the car wash exiting traffic.*
 6. *Provide raised landscape island to separate incoming traffic for oil service from the exiting car wash traffic by raised landscape median.*
 7. *Submit revised site plan and landscape plan for staff approval prior to submitting for building permit.*
 8. *Signage (detached and attached) need separate approval and permit for locations, size, and quantity.*
 9. *Compliance with all requirements of Development Services in the issuance of building permits.*

FINDINGS:

1. The proposed redevelopment of the site invokes conformance with current development standards.
2. At the time of initial development the setbacks, foundation base, and landscape requirements of the Zoning Code varied or were non-existent when compared to the development standards of the current Code.
3. The proposed project provides 14 queuing spaces on-site where 19 parking spaces are required.
4. Requiring full compliance with the current code would not allow the redevelopment of the site to occur.
5. The deviations requested are consistent with the degree of change requested and improve the site significantly making it an asset to the city.
6. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
7. The proposed use will not be detrimental to surrounding properties.

Vote: Passed (6-0) (Excused-Boardmember Stradling)

**Board of Adjustment Meeting
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- Case No.:** BA14-060
- Location:** 1833 North Power Road
- Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow approval of a site, floor, and sign plan, with elevations and materials to allow a development in the LC zoning district. (PLN2014-00538)
- Decision:** Approved with Conditions
- Summary:** This item was on the consent agenda and was not discussed on an individual basis.
- Motion:** It was moved by Boardmember Swanson seconded by Boardmember Rembold to approve case BA14-060 with the following conditions:
1. *Compliance with the project narrative, site plan, landscape plan and elevations submitted except as modified by the following conditions.*
 2. *One shade tree and three shrubs shall be provided in the newly created landscape medians adjacent to the ambulance drop off.*
 3. *One tree and six shrubs shall be provided on each side of the newly created patient drop-off area on the north side of the building.*
 4. *Any dead or missing landscaping shall be replanted in accordance with the approved landscape plan from DR01-054.*
 5. *The proposal shall apply for Administrative Design Review and be approved before applying for a building permit.*
 6. *Signage approval shall be through a separate permit with Building Safety.*
 7. *Compliance with all requirements of Development Services in the issuance of building permits.*

FINDINGS:

1. The proposed change of occupancy invokes conformance with current development standards on the entire site.
2. At the time of initial development the setbacks, foundation base, and landscape requirements were compliant with Zoning Ordinance requirements.
3. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
4. The proposed use will not be detrimental to surrounding properties.

Vote: Passed (6-0) (Excused-Boardmember Stradling)

**Board of Adjustment Meeting
December 3, 2014**

Case No.: BA14-061

Location: 2215 North 56th Street

Subject: Requesting a Special Use Permit (SUP) to allow an Electronic Message Display on a detached sign to change more frequently than once per hour in the LC zoning district. (PLN2014-00567)

Decision: Approval with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Swanson seconded by Boardmember Rembold to approve case BA14-061 with the following conditions:

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of the Development Services Division in the issuance of sign permits.*
3. *Each message shall remain static for a minimum of thirty (30) seconds.*
4. *The transitions between messages and the light intensity level of the electronic message display shall comply with the requirements of Section 11-41-8(D)17.*

FINDINGS:

1. The current Sign Ordinance requires electronic message displays to remain static for a minimum of one hour unless a Special Use Permit (SUP) is granted. Such SUP may be granted if the proposed sign is found to be compatible with and not detrimental to surrounding properties through the consideration of the following factors: 1) the speed and volume of the vehicular traffic visually exposed to the sign, 2) the presence of other signs or distracting influences in proximity to the sign location, and 3) the extent to which the design of the sign is compatible with other signs located on the premises.
2. A 30 second message display is within the range of past Board of Adjustment decisions. The basis for these decisions has been the idea of having one message visible for approximately a quarter mile as a vehicle approaches the sign. A static message for 30 seconds ensures the message is static long enough for the driver to read whatever it says quickly, in a single display, and then return their attention to the roadway. It also avoids distracting drivers by creating the appearance of signs being in motion.
3. The proposed monument sign is approximately 160' from the nearest monument sign.
4. As required, a sign permit was granted for the installation of the electronic sign per Section 11-41-8.E. of the zoning code. (Permit #BLD2012-03200)

Vote: Passed (6-0) (Excused-Boardmember Stradling)

**Board of Adjustment Meeting
December 3, 2014**

Case No.: BA14-062

Location: The 1300 to 1400 block of South Hawes Road (east side)

Subject: Requesting a Special Use Permit (SUP) to allow the modification of a previously approved 65' monopalm and associated ground equipment in the ADOT buffer landscape area including the modification of the site location within the ADOT parcel in the AG zoning district. (PLN2014-00576)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Swanson seconded by Boardmember Rembold to approve case BA14-062 with the following conditions:

1. *Compliance with the site plan submitted except as modified by the following conditions below.*
2. *The commercial communication towers shall utilize a mono-palm design with a maximum height of sixty-five (65') to the top of the palm canopy and approximately fifty-nine feet five and half inches (59'-5.5") to the top of antennas. The top of steel shall not be higher than 60 feet.*
3. *The commercial communication tower shall utilize a Faux Date Palm design with a minimum of 65 palm fronds. Ten palm fronds shall be a minimum of 10-feet in length with the remaining palm fronds no less than 7 feet in length.*
4. *The antenna arrays stand-off shall not exceed twenty inches (20") from the pole.*
5. *The antenna array for each sector shall not exceed an overall width of eight feet (8').*
6. *The antennas shall not exceed 83" long x 20.5" wide x 7" deep.*
7. *All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux palm fronds.*
8. *The operator of the mono-palm shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
9. *Provide a permanent, weather-proof identification sign, approximately 16-inches by 32-inches in size on the gate of the fence identifying the facility operator(s), operator's address, and 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.*
10. *The twelve-foot (12') wide driveway shall be dust mitigating surface.*
11. *The 18' x 42' lease area containing the equipment shelter, generator and the tower shall be screened by a 12' tall masonry wall with solid metal gate along north and west boundary of the lease area and the east and south boundary will be 8 feet high wrought iron fence as identified in the site plan.*
12. *Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5-I.*
13. *No later than 90 days from the date the use is discontinued or the cessation of operations, the owner of the abandoned tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application. The owner or his agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.*
14. *Future co-location of one additional carrier may be allowed through a separate zoning approval, provided appropriate methods are used to camouflage the additional antennas and equipment.*
15. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

FINDINGS:

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1. The proposed 65-foot high WCT would be placed south along east side of Hawes Road just south of Southern Avenue. The subject property is zoned AG, which permits WCTs subject to the approval of a Special Use Permit (SUP). Approval of a SUP requires finding the WCT is compatible with and not detrimental to surrounding properties and is consistent with the General Plan and other recognized plans and City Council policies, including the Commercial Communication Tower Guidelines, adopted in 1997.
2. The proposed mono-palm would be 65-feet high and will resemble a date palm. The array of the mono-palm will consist of three sectors, each with four antennas, for a total of twelve antennas. The antennas will measure 83" L x 20.5" W x 7" D, and will be adequately screened by 65 fronds.
3. The mono-palm will be located within 42'x18' lease area and associated ground mounted equipment would be located north of the mono-palm and enclosed with a twelve-foot high masonry and wrought iron fence.
4. Based on the submitted plans, identified as Pro San Tan Web with revision date October 09, 2014, the proposed WCT and the associated ground mounted equipment will be located within proposed 12 feet high (condition # 11 requires 12 feet high CMU screen wall) masonry and wrought iron fence.
5. The lease area would be within the Arizona Department of Transportation right of way accessed through secured gate off of Hawes Road.
6. The proposed mono-palm will be a minimum of 52'-7" from adjacent residences across Hawes Road alignment to the west, where 130-feet would be required. The site plan identified the setback from the Hawes Road right-of-way/section line is 16'-3", whereas 65-feet would be required. Therefore proposed mono-palm is not in compliance with the requirements of Chapter 35 of the Zoning Ordinance regarding setbacks.
7. The applicant has noted: 1) this site is necessary to provide coverage to the residents and businesses in the area, 2) the stealth application, 3) the distance of the stealth facility from property lines, and 4) the screening of equipment as justification for the request. In addition to the applicant's justification.
8. Chapter 35 of the Zoning Ordinance creates a hierarchy of preferred designs and locations in an effort to mitigate the visual impact of WCTs, including the use of alternative or 'stealth' designs to conceal WCTs; setbacks from streets; and setbacks from residential properties. This proposed WCT would use a mono-palm design, and a location adjacent to a freeway screened by 12 feet CMU wall to minimize visual impact.
9. In February of this year Board of Adjustment approved a mono-palm at this site (475 feet north of the proposed location). The previous location met the required 1:2 setback away from the residential development to the west. However the neighborhood was not in agreement with the applicant and wanted to explore further location away from the RV subdivision entrance off of Hawes Road.
10. The WCTs are an allowed use in AG Zoning District subject to granting of a Special Use Permit. The location of the proposed WCT will not meet the requirements of Chapter 35 of the Zoning Ordinance with regard to both the adjacent street and the residential properties to the west. Given the stealth design, with the location within an existing right of way, enclosed with 12 feet high screen wall and the context of the site including the new location supported by the RV Subdivision, the proposed WCT would be compatible with and not detrimental to surrounding properties.

Vote: Passed (6-0) (Excused-Boardmember Stradling)

**Board of Adjustment Meeting
December 3, 2014**

Case No.: BA14-063

Location: 415 North Stapley

Subject: Requesting a Special Use Permit (SUP) for a convenience store to allow accessory fuel sales in the LC zoning district. (PLN2014-00577)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis.

Motion: It was moved by Boardmember Swanson seconded by Boardmember Siebers to approve case BA14-063 with conditions:

1. *Compliance with Design Review conditions of approval for this project, to include the gas canopy.*
2. *Compliance with the requirement of 11-31-25 D of the Zoning Ordinance to provide landscape on 10% of the site, in addition to otherwise required planting areas.*
3. *All site lighting to comply with 11-31-25 F of the Zoning Ordinance.*
4. *Provide one non-combustible trash receptacle, per 11-31-25 G of the Zoning Ordinance.*
5. *Compliance with all City development codes and regulations.*
6. *The service station shall maintain a "Good Neighbor Policy" per Ch. 11-31-25-(I) 1 of the Zoning Ordinance.*
7. *Compliance with Ch. 32 of the Zoning Ordinance in providing the required percentage of foundation base planting, in providing one landscape island per 8 parking spaces, and in providing all the required planting counts. All landscape islands shall have a minimum planting width of 8'.*
8. *The crosswalk indicated by hatching on the site plan shall be constructed with alternate paving to be approved by staff.*
9. *Replace missing plants and trees in the perimeter landscaping yards along Stapley Dr. and University Dr. based on the landscape plan approved for the center through DR98-121. See Exhibit "A".*

FINDINGS:

1. A Special Use Permit (SUP) is required for the operation of all fueling stations manned or unmanned within the City of Mesa. This SUP would allow the operation of 4 fuel dispensers (8 pumps). The proposed fueling station is compatible with the surrounding area, which is comprised of primarily commercial uses and will provide a service to those individuals working in the area.
2. Approval of this project will advance the goals and objectives of and is consistent with the policies of the General Plan.
3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area.

Vote: Passed (6-0) (Excused-Boardmember Stradling)

**Board of Adjustment Meeting
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Case No.: BA14-064

Location: 1345 South Alma School Road

Subject: Requesting an interpretation of a proposed land use involving education, office, retail, product assembly, warehouse and product distribution activities for a non-profit organization in an LC zoning district. (8.59 acres).

Decision: Approved with Conditions

Summary: Susan Demitt of Gammage and Burnham spoke on behalf of Feed My Starving Children, and explained to the Board that the primary mission of the organization is to educate community groups on the impacts of malnutrition and to engage them in a hands-on experience in assisting those in need. Ms. Demitt went on to explain that a 1600 sqft retail component called the FMSC Marketplace will also be located on-site. Marketplace will feature hand-made artisan goods that may be purchased. These artisan products originate in the countries where the food is being sent. She added that there will be up to 40 employees working at the site, and that approximately 5 to 9 trucks will use the loading docks weekly. Additionally, she described mobile packing events, in which the educational experience would be conducted at other locations. Concluding, Ms. Demitt affirmed that the planned educational, office and retail components are the primary functions at the site, and the shipping and warehousing activities are secondary.

Patrick Hodgkins, a representative for Feed My Starving Children, presented a video to the Board, emphasizing the team building benefit of a packing event. He also spoke of the educational impact that each session provides.

Susan Demitt explained to the Board that due to the unique nature of the operations of Feed My Starving Children, it does not fall neatly into an existing land-use category. She offered that a possible designation could be, "Community Center", but FMSC is looking to the Board for direction. Ms. Demitt added that FMSC will bring new residents and visitors into the Fiesta District.

Mr. Sheffield confirmed for Boardmember Swanson that the Board is being tasked primarily with the determination of the land use; and secondarily, to determine if the use falls within the allowed uses of the LC zoning district. Mr. Sheffield explained that Ms. Demitt was framing the question differently, but they are both arriving at the same goal.

Mr. Hodgkins explained for Boardmember Hitchens that Feed My Starving Children's relationship with landowner Jerry Tokopf is one of the primary drivers of where FMSC is choosing to locate. He also added that the organization considered where volunteers were coming from, and they found that most reside in the East Valley. He went on to say that FMSC sees the Fiesta District as a good fit because of the good freeway accessibility and the revitalization taking place, citing the new police station, upgraded lighting, and abundant parking at the facility as examples. Mr. Hodgkins stressed the importance of locating in an environment in which volunteers feel comfortable and safe.

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Mr. Tokopf explained for the Board that the lease agreement with Feed My Starving Children is a long-term, 10 year lease, at a rate that is about 40% of average lease rates.

Chairperson Montague stated that he received notice that Councilmember Dennis Kavanagh is on record as being in support of Feed My Starving Children locating at 1345 South Alma School Road, but does not wish to speak on the matter.

Todd Sergi at 15849 North 71st Street, Scottsdale, representing the owner/developer of 1335 South Alma School Road, addressed the Board in support of the project. Mr. Sergi explained that the plaza is going through a transition, and he welcomes different uses that complement the Fiesta District, like Feed My Starving Children. Mr. Sergi went on to say that he thinks the impact will be tremendous, with new visitors spending time and spending dollars within the District. He closed with stating that all of FMSC's proposed uses are allowed within LC zoning, and that he thinks that a Community Center land-use classification is appropriate as the facility benefits the surrounding community.

D.J. Stapley at 529 West 2nd Place, Mesa, stated that he was initially in opposition of Feed My Starving Children relocating to 1345 South Alma School Road, but has since retracted his statement and he is in support of the project. He explained to the Board that he was critical of the project at first, citing the negative impact of concentrating social services in West Mesa. Mr. Stapley stated that he was originally under the impression that the new FMSC facility would be distributing food and providing services to the local population, as opposed to simply packaging food and shipping it elsewhere. Mr. Sheffield confirmed for Mr. Stapley that if the applicant were proposing providing onsite service to indigent people, that use would require a Council Use Permit, and the case wouldn't be heard by the Board of Adjustment.

Mr. Stapley confirmed for Boardmember Siebers that he views education on the impact of malnutrition provided by Feed My Starving Children as a human service component, but that he was just concerned about the mix of heavier uses within the facility. Mr. Stapley reaffirmed that he was agreeable to the uses just as long as the warehousing and distribution components are less intense, like those found in a grocery store and not like ones found in a heavier employment use.

Mr. Hodgkins maintained that there would be no onsite services or distribution, just packing and shipping to remote recipients. He estimated that 3,200 sq ft of the total 25,000 sq ft is devoted to shipping and packing. He confirmed that Feed My Starving Children would operate a forklift out of necessity, but the heavy equipment would remain supplemental and secondary. In addition, Mr. Hodgkins stated that FMSC was agreeable to the Conditions for mechanization as they appeared in the Staff Report.

Mr. Hodgkins explained to the Board that Feed My Starving Children is looking to fill 2,800 spots a month, averaging between 2,400 to 2,500 confirmed monthly volunteers. Currently, the Tempe site is hosting 100 volunteers a session, but FMSC would be expanding to 140 in the new location, as well as adding 2 additional sessions. Mr. Hodgkins went on to explain that there is an increase during the Holiday Season, which brings roughly an additional 100 people out to the retail side of the site. Mr. Hodgkins estimated the annual volunteer number to be around 55,000 at the Tempe site.

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Mr. Hodgkins explained that the new site would accommodate 2,400 weekly volunteers, expanding capability by 40%, and the additional foot traffic would benefit the front-of-house retail component at the site.

At the close of the applicant's presentation, Mr. Sheffield informed the Board that if they wish to interpret the project as a permitted use in the LC – Limited Commercial zoning district, staff would recommend that the Board include the eight conditions found in the staff report be attached to any decision that the Board makes.

Boardmember Swanson inquired on the specific parameters of the LC zoning district, the Cultural Institution designation, and any other known education classifications outside of traditional public school use, post-secondary education training, and traditional college use-classifications.

Mr. Sheffield explained to the Board that the LC zoning district will allow any indoor retail activity and described a cultural institution as a commercial recreation use classification. Mr. Sheffield cited the unusual nature of the proposed land use, because Feed My Starving Children would be an tenant/occupancy type that is used by all different age groups. He also added that it would be difficult to classify the educational component as K-12 or post-secondary, and acknowledged that if it were to be classified as a trade school, typically the zoning district would be associated with the trade that is being taught. Mr. Sheffield acknowledged that Ms. Demitt had made a good point in identifying that several of the proposed activities are already allowed in the LC District, and he mentioned that the Board may want to consider those findings in its deliberation.

Boardmember Swanson remarked on how he saw Feed My Starving Children as an educational/experiential type of use without having an established classification. He added that he felt it awkward to fully classify it as a community center, or a grocery, or a place of worship, even though there are components of each use within FMSC.

Mr. Sheffield provided another way to frame the question, reading the Purpose and Intent provisions of the LC zoning district found in Chapter Six in the Zoning Ordinance. He also relaying the general functions of the commercial and mixed use land use classifications to the Board. Mr. Sheffield interpreted the aggregate set of land uses presented by FMSC as primarily public/semi-public in nature, and by his assessment, there may be a margin for allowance within the Purpose and Intent statement of the LC zoning district for such a unique type of use.

Boardmember Siebers reviewed the public/semi-public components of the use, breaking up the site plan by percentage of sq ft. Mr. Siebers accounted for 40% private education use, 32% community center type use, and 12-14% of office/retail. Mr. Siebers agreed with Mr. Sheffield that the public/semi-public use is generally allowed within the intent of Limited Commercial. Mr. Siebers explained to the Board that he sees service as not just doing something, but instead to intentionally participate and actively educate oneself on the impact of the help provided to others. Mr. Siebers noted that this is especially true from a religious, private education component, and that is how he sees the use at this time.

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Boardmember Hitchens restated the goal to determine a use classification and mentioned that he would be prepared to allow Feed My Starving Children to operate in the Limited Commercial Zoning District even if they didn't meet the definition of a community center completely. Mr. Hitchens explained that he didn't see FMSC as a community center, but he noted that there's enough strength in the additional components of the use to allow operation in the LC District. Mr. Hitchens acknowledged the industrial components within the use, but also acknowledged the inherent industrial land use aspects are often accessory activities for other land uses also allowed to operate in the LC zoning district.

In closing, Jerry Tokopf answered a final question for the Board and explained that Upper Iowa University, another tenant at the plaza, is in a 15 year lease, and has an option to occupy 16,000 additional sq. ft., so he expects them to be there for a long time.

Boardmember Swanson raised the question on the appropriateness of potentially allowing Feed My Starving Children to operate within the LC Zoning District without having a formal use classification.

Mr. Sheffield stated that he was comfortable with the Board allowing Feed My Starving Children to operate within the LC District at 1345 South Alma School Road, without determining a singular specific classification for the use at this time.

Boardmember Hitchens moved to approve case BA14-064 with stated conditions 1 through 8 as presented in the Staff Report. Mr. Sheffield clarified the vote, as an approval to allow the individual organization to operate as a permitted use in the LC Zoning District.

Motion: It was moved by Boardmember Hitchens seconded by Boardmember Swanson to approve case BA14-064 with conditions:

1. *This interpretation is not in any way transferable to a different tenant, to a different location, or to a set of facts that differ from what has been presented to the Board of Adjustment. This interpretation applies only to FMSC, and shall remain in effect only if FMSC remains a non-profit organization.*
2. *FMSC shall comply with any and all requirements of the Mesa Building Code, including any requirements that relate to possible changes to the Certificate of Occupancy for this tenant space as a result of tenancy by FMSC.*
3. *The floor area being set aside for activities such as office, classroom, retail, packaging, and prayer shall, in aggregate, account for a minimum of 51% of the floor area of the occupied tenant space. The area designated as set aside for storage and shipping of the food materials may not be included with aggregate floor area calculation of the office, classroom, retail, packaging, and prayer areas. The submitted floor plan may need to be modified at least slightly to satisfy this condition.*
4. *The packaging activity shall not be mechanized, and shall remain a 'by hand' process. Exceptions may be made for the sealing of the food packets by electric sealing devices. Outside of the use of hand tools and scales, machines may not be used to portion or measure food materials, or load individual food packets into boxes and larger shipping/cargo containers. Fork lifts and similar devices may be utilized to load and unload palletized boxes, cargo containers and other shipping devices.*
5. *The meal re-packaging activity shall be completed exclusively by volunteers, with reasonable exceptions given to FMSC staff serving as instructors to volunteer groups that would otherwise complete the meal re-packaging tasks.*
6. *The meal packets assembled at this location may not be sold or used for commercial purposes.*
7. *This interpretation in no way shall be extended to mean that uses classified under the broader heading of 'Employment Classifications' in Table 11-6-2 of the Mesa Zoning Ordinance are otherwise permitted at this location, unless such Employment Classification is specifically listed in that table as an allowed land use activity in the LC-Limited Commercial zoning district.*

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8. *Any construction or site plans submitted to the Development and Sustainability Department that are related to a change to the Certificate of Occupancy, or to permits associated with Tenant Improvements shall include a copy of this letter to facilitate the review of the documents.*

FINDINGS:

The Board found that the set of uses presented by Feed My Starving Children are similar in scope and scale to those uses listed as 'Permitted' in the LC district in Table 11-6-2 of the zoning ordinance, save for some accessory activities involving packing and shipping of food packets. Given the activities described by FMSC as their principal land uses, which include office, retail, and educational components, the range of uses are consistent with the purpose and intent of the LC- Limited Commercial zoning district, and represent an aggregate activity that will be compatible with other land uses listed as permitted in that zoning classification.

Vote: Passed (6-0) (Excused-Boardmember Stradling)

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OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a
Zoning Administrator